

FISCAL IMPACT STATEMENT ON BILL NO. **S.429**

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| TO:       | The Honorable Glenn McConnell, Chairman, Senate Judiciary Committee    |      |         |
| FROM:     | Office of State Budget, Budget and Control Board                       |      |         |
| ANALYSTS: | Allan Kincaid, Beth Campbell, Ken Brown, Harry Bell and Rodney Grizzle |      |         |
| DATE:     | March 23, 2007   | SBD: | 2007229 |

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| AUTHOR:  | Senator Malloy                                   | PRIMARY CODE CITE: | 17-27-300 |
| SUBJECT: | DNA Samples - Post-Conviction DNA Procedures Act |                    |           |

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ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:  
A Cost to the General Fund (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:  
A Cost to Federal and/or Other Funds (See Below)

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**BILL SUMMARY:**

Senate Bill 429 would allow a person convicted of a criminal offense to apply, at any time after conviction or adjudication, to the courts for DNA testing of any biological material.

**EXPLANATION OF IMPACT:**

Judicial Department

The Department indicates enactment of this Bill will have an impact on State General Fund expenditures due to the ability of a convicted person to apply to the Circuit Court for additional DNA testing. However, the Department is unable to provide a reliable impact to the agency. Should the number of cases exceed what the existing circuit court judges can absorb, delays in the circuit court docket can be expected and additional judges would be needed.

The cost associated with the addition of one (1) new Circuit Court Judge and staff (administrative assistant, court reporter and law clerk) is approximately \$347,327 for personal services and associated operating expenses and \$20,510 of non-recurring cost for automation and furniture. The addition of a new judge would also require more courtroom space, an expense borne by county government

State Law Enforcement Division - SLED

Based on 1,200 cases per year, SLED estimates for the first year there will be a total cost to the General Fund of the State of \$784,800. Of this amount, \$227,200 represents the salaries and employer contributions for four new positions and \$57,600 for related operating costs and consumable supplies. The remaining cost of \$500,000 represents a one-time cost for new analytical instruments and equipment.

Commission on Indigent Defense

The Commission indicates that it currently spends approximately \$650,000 annually on Post Conviction Relief (PCR) efforts. PCR expenses are paid from other funds revenue. The Commission anticipates PCR requests may double upon enactment. Therefore, the agency expects other funds expenditures could increase by \$650,000 annually.

#### Prosecution Coordination Commission

The Commission indicates the Bill will have an impact on the State General Fund expenditures. However, the agency indicates it does not have sufficient data upon which to base an estimate. Court rulings as yet to be made under the Bill's provisions would be a major factor in determining the cost to the agency.

#### Department of Public Safety

The Department indicates this Bill will have a minimal impact on expenditures associated with additional storage space requirements for "DNA" type evidence. However, the agency anticipates such costs can be absorbed within existing resources.

#### Attorney General's Office

The Office reports this Bill will have no impact on the General Fund of the State or on Federal and/or Other Funds.

#### Recapitulation

Total minimum first year cost to the General Fund of the State is estimated at \$784,800 which excludes potential cost to the Judicial Department and the Prosecution Coordination Commission. Thereafter, there will be a minimum annual cost of \$284,800 with four positions. Other funds expenditures for the Commission on Indigent Defense are expected to increase by as much as \$650,000 annually.

#### **LOCAL GOVERNMENT IMPACT:**

Two of the three local governments indicated this Bill would have no impact on expenditures. One indicated it would need additional staff at a cost of \$25,000 to \$30,000.

#### **SPECIAL NOTES:**

None.

Approved by:

A handwritten signature in black ink that reads "Harry Bell". The signature is written in a cursive, flowing style.

Harry Bell  
Assistant Director, Office of State Budget